

ORIGINAL

Approved: Micah Fergenson  
 MICAH F. FERGENSON  
 Assistant United States Attorney

21 MAG 2843

Before: THE HONORABLE BARBARA MOSES  
 United States Magistrate Judge  
 Southern District of New York

DOC # \_\_\_\_\_

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UNITED STATES OF AMERICA	:	<u>COMPLAINT</u>
	:	
- v. -	:	Violations of 21 U.S.C.
	:	§ 846
PEDRO GERRALDO LOPEZ, and	:	
GIOVANNI MARTINEZ,	:	COUNTY OF OFFENSE:
	:	BRONX
Defendants.	:	
	:	
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SOUTHERN DISTRICT OF NEW YORK, ss.:

SCOTT CUNNINGHAM, being duly sworn, deposes and says that he is a Special Agent with the United States Postal Service Office of Inspector General ("USPS OIG"), and charges as follows:

COUNT ONE  
 (Narcotics Conspiracy)

1. From in or about August 2020 up to and including in or about March 2021, in the Southern District of New York, PEDRO GERRALDO LOPEZ and GIOVANNI MARTINEZ, the defendants, and others known and unknown, intentionally and knowingly did combine, conspire, confederate, and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that PEDRO GERRALDO LOPEZ and GIOVANNI MARTINEZ, the defendants, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

3. The controlled substance that PEDRO GERRALDO LOPEZ and GIOVANNI MARTINEZ, the defendants, conspired to distribute and possess with intent to distribute was five kilograms and more of

mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 841(b) (1) (A).

(Title 21, United States Code, Section 846.)

The bases for my knowledge and for the foregoing charge are, in part, as follows:

4. I am a Special Agent with the USPS OIG and I have been personally involved in the investigation of this matter. This affidavit is based upon my personal participation in the investigation, and my conversations with law enforcement officers, law enforcement employees, and witnesses, as well as my review of documents. Because this affidavit is being submitted for the limited purpose of establishing probable cause, it does not include all the facts that I have learned during the course of my investigation. Where the actions, statements, and conversations of others are reported herein, they are reported in substance and in part, except where otherwise indicated.

5. For the reasons set forth below, I believe that GERRALDO LOPEZ and GIOVANNI MARTINEZ, the defendants, and others known and unknown have used USPS parcels (the "Suspect Parcels") to import into the Southern District of New York and elsewhere over five kilograms of cocaine.

**The Suspect Parcels Contain Significant Amounts of Cocaine**

6. Based on my participation in this investigation, my review of documents, my participation in surveillance, and my conversations with other law enforcement officers, I have learned, in substance and in part, the following:

a. For several months, USPS OIG has been monitoring the pattern in which the Suspect Parcels have been shipped to various locations in and around New York City. The Suspect Parcels typically have had one or more of the following characteristics, which are suggestive of narcotics shipments:

i. The Suspect Parcels are sent from Puerto Rico and are sent to one of several addresses in New York City, including an address in the Bronx ("Address-1"), an address in Manhattan ("Address-2"), and an address in New Jersey ("Address-3"). As explained further below, the individual listed as the addressee on a Suspect Parcel is not, in fact, the individual who receives or retrieves the Suspect Parcel; further, when multiple Suspect Parcels are sent out simultaneously to multiple New York



addresses, each Suspect Parcel in a given batch will typically have the same return address.

ii. Electronic database information maintained by the USPS shows that status queries – that is, tracking information for a particular package that a person can access by entering the package's tracking number on USPS' website – for Suspect Parcels sent to Address-1 and Address-2 potentially originate from common devices.

iii. The Suspect Parcels are paid for in cash by the sender(s) in Puerto Rico. Based on my training and experience, drug traffickers often pay for drug shipments in cash to avoid revealing their identities to law enforcement.

iv. The Suspect Parcels are flat-rate boxes, and the address information is often handwritten. Based on my training and experience, drug traffickers often use flat-rate boxes for narcotics shipments because doing so is cost-effective and because the boxes are large enough to conceal bricks of drugs with other items. Furthermore, drug traffickers often handwrite individual address information in order to avoid having USPS enter such information electronically.<sup>1</sup>

b. Two different Suspect Parcels have been searched pursuant to judicially-authorized warrants and found to contain large amounts of cocaine. Specifically:

i. On or about November 30, 2020, a Suspect Parcel sent to Address-2 was searched pursuant to a judicially-authorized warrant and found to contain approximately one kilogram of cocaine.

ii. On or about March 11, 2021, a Suspect Parcel sent to Address-3 was searched pursuant to a judicially-authorized warrant and found to contain approximately two kilograms of cocaine (the "March 11 Parcel"). Additionally, the March 11 Parcel had been put into the mail in Puerto Rico on or about March 4, 2021, along with two other Suspect Parcels. Those two other Suspect Parcels were sent to Address-1. All three

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<sup>1</sup> When processing handwritten address information, USPS typically records the address, but not the name of the individual addressee, in its electronic system.

Suspect Parcels had the same hand-written return address in Puerto Rico.

c. Over the course of the investigation, USPS OIG has identified over 50 Suspect Parcels.

7. Based on the foregoing, I believe that the Suspect Parcels contain significant quantities of cocaine.

**The Defendants Retrieved the Suspect Parcels Themselves and/or Coordinated the Receipt and Retrieval of the Suspect Parcels by Co-Conspirators**

8. Based on my review of tenant records and communications with the building management for Address-1, I have learned that the tenant of record of Address-1 appears to be a co-conspirator ("CC-1") of PEDRO GERRALDO LOPEZ and GIOVANNI MARTINEZ, the defendants. When Suspect Parcels were sent to Address-1, the name listed as the addressee included a last name that is the same as CC-1's last name, but a first name that is different than CC-1's first name, as if the addressee were CC-1's spouse or family member. The same first and last name – aside from some apparent spelling errors – is listed on each Suspect Parcel sent to Address-1.

9. Based on my review of video surveillance from in and around Address-1, my participation in physical surveillance and discussions with other law enforcement officers who participated in such surveillance, and my review of USPS records, I have learned, among other things, the following:

a. The person who actually receives the Suspect Parcels sent to Address-1 is CC-1. CC-1 then provides the Suspect Parcels to PEDRO GERRALDO LOPEZ and GIOVANNI MARTINEZ, the defendants, and others known and unknown.

b. For example, on or about December 25, 2020, a Suspect Parcel was delivered to a secure locker in the lobby area of Address-1. Later the same day, CC-1 retrieved the Suspect Parcel, put it inside a reusable shopping bag, and brought it inside CC-1's apartment unit. The following day, on or about December 26, 2020, CC-1 exited CC-1's apartment unit carrying a brown shopping bag that APPEARED to contain a white USPS parcel. CC-1 entered a white vehicle (the "White Vehicle"), which drove away. Approximately one hour later, the White Vehicle returned to the front of the Address-1 building. CC-1 and another individual – who was not wearing a mask on this occasion and was identified



to be PEDRO GERRALDO LOPEZ, the defendant<sup>2</sup> – exited the vehicle and entered the building. LOPEZ placed a reusable shopping bag (not the brown shopping bag that CC-1 left with earlier in the day) inside the elevator with CC-1, and CC-1 brought this bag into CC-1's apartment. LOPEZ, who did not follow CC-1 back to CC-1's apartment, left the building and left in the White Vehicle.

c. Based on my review of law enforcement records, I have learned that the White Vehicle is registered in the name of LOPEZ.

d. On multiple other occasions, including on or about December 11, 2020, on or about December 12, 2020, and on or about January 16, 2021, LOPEZ's White Vehicle went to Address-1 and retrieved the Suspect Parcels. In or around late January 2021, however, GIOVANNI MARTINEZ, the defendant, began retrieving the Suspect Parcels from Address-1.

e. For example, on or about January 22, 2021, two additional Suspect Parcels were delivered to separate secure lockers in the lobby area of Address-1. Later the same day, a man – later identified to be MARTINEZ – driving a black vehicle (the "Black Vehicle"), parked near ADDRESS-1, exited the vehicle, and entered the lobby area of Address-1. External surveillance video shows that a white vehicle (believed to be the White Vehicle driven by LOPEZ) was in the vicinity of Address-1 in or around the same time as the Black Vehicle. After entering the building, MARTINEZ used a key already in his possession to open the mailbox for CC-1's apartment unit and he put his hand inside the mailbox before returning to the Black Vehicle. Minutes later, MARTINEZ reentered Address-1, again opened CC-1's mailbox, and retrieved an object inside the mailbox. MARTINEZ then used keys to open the secure

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<sup>2</sup> Based on my review of LOPEZ's criminal history records and my communications with other law enforcement officers, I have learned that LOPEZ is currently on federal supervised release as part of the sentence imposed in United States v. Lopez, 12 Cr. 207 (SJ) (E.D.N.Y.), for a narcotics trafficking conviction related to the importation of narcotics from Puerto Rico. LOPEZ is being supervised by the U.S. Probation Office for the Southern District of New York. A federal probation officer reviewed a screenshot from the surveillance footage and identified the man as LOPEZ.

lockers containing the two Suspect Parcels, retrieved them, brought them outside to the Black Vehicle, and drove away.

f. The following day, on or about January 23, 2021, an additional Suspect Parcel was delivered to a secure locker in the lobby area of Address-1. Later the same day, CC-1 retrieved the Suspect Parcel and brought it to the Black Vehicle, which was parked near Address-1. CC-1 put the Suspect Parcel in the trunk of the vehicle and returned to CC-1's apartment, and the Black Vehicle drove away.

g. Based on my review of law enforcement records, I have learned that the Black Vehicle is registered in the name of MARTINEZ. I have compared a photograph of MARTINEZ from his car registration and driver's license with the video surveillance of the individual retrieving Suspect Parcels from CC-1,<sup>3</sup> and believe them to be the same person.

h. On multiple other occasions, MARTINEZ's Black Vehicle went to Address-1 and retrieved the Suspect Parcels, including as recently as March 9, 2021.

10. Based on my involvement in this investigation, I know that on or about March 11, 2021, PEDRO GERRALDO LOPEZ, the defendant, was arrested while driving the White Vehicle, and GIOVANNI MARTINEZ, the defendant, was arrested while driving the Black Vehicle.

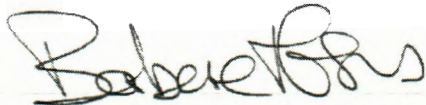
WHEREFORE the deponent respectfully requests that PEDRO GERRALDO LOPEZ and GIOVANNI MARTINEZ, the defendants, be imprisoned or bailed, as the case may be.

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<sup>3</sup> MARTINEZ was wearing a mask in the January 22, 2021 surveillance footage, but he was not wearing a mask on subsequent occasions when he was surveilled by law enforcement.

s/ Scott Cunningham by the Court with permission  
SCOTT CUNNINGHAM  
Special Agent  
USPS OIG

Sworn to me through the transmission of this  
Affidavit by reliable electronic means, pursuant to  
Federal Rules of Criminal Procedure 4.1 and 41(d)(3), this  
12<sup>th</sup> day of March 2021

A handwritten signature in black ink, appearing to read "Barbara Moses", is written over a light gray rectangular background.

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THE HONORABLE BARBARA MOSES  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF NEW YORK